

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL FAULK,)
)
 Plaintiff,) Case No. 4:18-CV-308
)
 v.)
)
 CITY OF ST. LOUIS, et al.,)
)
 Defendants.)

**DEFENDANTS' MOTION FOR JUDGMENT ON THE
PLEADINGS ON COUNT V OF PLAINTIFF'S FIFTH AMENDED COMPLAINT**

COME NOW Defendants Gerald Leyshock, Scott Boyher, Timothy Sachs, Randy Jemerson, Matthew Karnowski, Brian Rossomanno, Andrew Wismar, Robert Stuart, Anthony Wozniak, Tom Long, John Gentilini, James Wood, Bryan Barton, Lawrence O'Toole, Brian Gonzales, and James Harris III (collectively "Defendants"), by and through their attorney Julian Bush, City Counselor for the City of St. Louis, pursuant to Federal Rule of Civil Procedure 12(c), and for Defendants' Motion for Judgment on the Pleadings on Counts V of Plaintiff's Fifth Amended Complaint ("Plaintiff's Complaint") state as follows:

1. Count V Plaintiff's Complaint asserts a § 1983 conspiracy claim against Defendants stemming from Plaintiff's arrest on September 17, 2017.

2. Because the application of the intracorporate conspiracy doctrine has not been addressed authoritatively in §1983 cases in this Circuit, this Court must, as it has recently done, apply qualified immunity here and grant judgment on the pleadings on Count V in favor of Defendants.

3. A memorandum of law in support of this motion is filed herewith.

WHEREFORE, for all of the reasons set forth above, Defendants respectfully requests that this honorable Court grant Defendants' Motion for Judgment on the Pleadings and enter Judgment in favor of Defendants on Count V of Plaintiff's Complaint.

Respectfully submitted,

JULIAN BUSH
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CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2020, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system.

/s/ Andrew D. Wheaton